



Entered on Docket  
November 16, 2009

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa  
United States Bankruptcy Judge

Stephanie L. Cooper, Esquire  
Nevada Bar No. 5919  
Michael W. Chen, Esquire  
Nevada Bar No. 7307  
THE COOPER CASTLE LAW FIRM  
A Multi-Jurisdictional Law Firm  
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Loan No. \*\*\*\*\*3558/ Our File No. 08-01-0340

Attorney for Secured Creditor  
America's Servicing Company

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

GARY D. MCGINNESS, JR.,  
PATRICIA MALINA MCGINNESS

Debtor(s)

CHAPTER 13  
BANKRUPTCY NO.: 07-17796-MKN  
DATE: Mar 12, 2008  
TIME: 1:30 PM

**EX PARTE ORDER TERMINATING THE  
AUTOMATIC STAY FOR FAILURE TO CURE PURSUANT TO THE TERMS OF  
THE ADEQUATE PROTECTION ORDER**

Pursuant to an Adequate Protection Order entered on Apr 01, 2008, the above-referenced Debtor was obligated to make specified payments which he/she has failed to make.

The Debtor has failed to comply thereby necessitating written notice(s) of breach and default filed on October 27, 2009.

Based on the failure to cure, contractual agreement, court order and good cause appearing;

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the Automatic Stay in the  
2 above-entitled Bankruptcy case is immediately extinguished for all purposes as to Secured Creditor,  
3 America's Servicing Company its assignees and/or successors in interest, regarding the subject  
4 Property generally described as: 4350 Salamanca Circle Las Vegas, NV 89121, ("Property" herein)  
5 and legally described as follows:

6 LOT SIX (6) IN BLOCK TWO (2) OF VILLA BONITA SOUTH UNIT NO. 1, AS  
7 SHOWN BY MAP THEREOF ON FILE IN BOOK 16, OF PLATS, PAGE 10 IN  
8 THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

9 IT IS FURTHER ORDERED that all conditions of the adequate protection order regarding  
10 conversions and binding are hereby affirmed in this Order as well.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon entry of this  
12 Order, the Trustee shall cease payment on creditor's proof of claim. Creditor's proof of claim is  
13 allowed in the amount of payments made to date by the Trustee.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any monies  
15 previously paid to Secured Creditor by the Trustee shall not be returned to the Debtor.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon disposition of  
17 the collateral, creditor may amend said proof of claim and share in any distribution from the date  
18 of the filing of the amended claim pursuant to the confirmed plan.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Trustee is not  
20 required to recover previous distributions from other creditors for distribution on creditor's  
21 amended claim. This may result in a percentage of payment to creditor's amended claim different  
22 than to other creditors.

23 THE COOPER CASTLE LAW FIRM  
24 A Multi-Jurisdictional Law Firm

25 By: /s/ Michael W. Chen  
Michael W. Chen, Esq.  
Attorney for Secured Creditor  
America's Servicing Company

Date: 11/12/08